

REMARKS

The Applicant respectfully requests reconsideration and Allowance of Claims 1-19 in view of the amendments presented above and the following arguments.

DRAWINGS

The drawings of all three figures were objected to as having hand-written notations, non-uniformly thick lines and dotted lines. Except for the dotted lines which indicate the connection of identified elements as set forth in the specification, and which Applicant believes to be proper, the other matters have been addressed in the proposed corrected drawings submitted herewith. As a result Applicant respectfully requests that the objection to the drawings be withdrawn.

SPECIFICATION

The Abstract was objected to as being more than 150 words. The Abstract has been amended herewith so as to conform to that requirement. As a result, Applicant respectfully requests that the objection to the Abstract be withdrawn.

CLAIM OBJECTIONS

Claims 1, 4, 9, 10, 11, 14 and 19 were objected to for informalities. Applicant appreciates the Examiner's suggestions and has addressed each of the informalities identified by the Examiner in the Office Action in paragraph 5, pages 3 and 4. As a result, Applicant respectfully requests that the objections to the claims on the listed grounds be withdrawn.

35 U.S.C. §102 REJECTIONS

Claims 1-5 and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by Elangovan (IDS 2/15/2001 Ref. 3R; Published 10/1995).

Claims 6-8 and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by Slaikeu (IDS 6/7/2001 Ref. 1R; Published 10/1998).

35 U.S.C. §103 REJECTIONS

Claims 11-15 and 19 were rejected under 35 U.S.C. §103(a) as obvious over Elangovan (IDS 2/15/2001 Ref. 3R; Published 10/1995) in view of Surratt (IDS 6/7/2001 Ref. 3S; Published 1998).

Claims 16-18 were rejected under 35 U.S.C. §103(a) as obvious over Slaikeu (IDS 6/7/2001 Ref. 1R; Published 10/1998) in view of Surratt (IDS 6/7/2001 Ref. 3S; Published 1998).

STATUS OF THE CLAIMS

Claims 1-19 remain pending in this case. (The Applicant notes that although the Office Action Summary and page 2 of the Detailed Action state that "Claims 1-18" are presented and have been examined, in fact claims 1-19 were presented and the Examiner in fact examined all 19 claims.)

Independent Claims 1, 10 and 11 have been amended as suggested by the Examiner to correct informalities.

CLAIMS 1-5 AND 9 ARE NOT ANTICIPATED BY THE CITED ART

The Examiner rejected independent claim 1 and dependent claims 2-5 and 9 as being anticipated by Elangovan. Applicant respectfully disagrees.

Elangovan specifically discloses a decision tree for managers to resolve issues with employees. Applicant and applicant's attorney have carefully read Elangovan and find no reference to expanding his decision tree to an organizational perspective such that it could apply to an entire organization. This is true even though the word "organizational" does appear

in Elangovan (See page 5, paragraph 2, lines 1-5) but it is clear in context that the word is used as one of the criteria by which a manager makes a decision on which method to use in resolving a dispute with another person. For example, Elangovan says that " a successful intervention is defined as one in which (a) the issues are fully addressed to produce a settlement consistent with organizational objectives, (b) the resolution is timely, and (c) the disputants are committed to the resolution." The use of "organizational objectives" is used by Elangovan to refer to successful resolution of a particular managerial dispute being consistent with the objectives of, for example, a school (where the objective is to educate children), or a religious institution (where the objective is to support spiritual development of members), or of an automobile manufacturing company (where the objective is to produce high quality automobiles). This use of the word organizational, however, does not refer to organizational variables which one must use to assess, monitor, and improve the resolution of all conflicts in the organization.

Referring to Applicant's Figure 1, of the four boxes shown, Elangovan's managers are mentioned in only one of the bullets in Box 1(Site based resolution). In Figure 2, the same occurs as the managers are indicated in the box labeled 46. Thus Applicant's invention is much broader. Figure 3 makes this clear where the variables for implementing the system through the four boxes are listed in Figure 3 at numeral 74 (policy, roles and responsibilities, documentation, selection, education and training, support, and evaluation) all of which apply to every human being in the organization and not just the managers.

Applicant's invention as set forth in independent claim 1 requires identifying existing organizational conflict handling procedures and applying a predetermined conflict resolution analysis template defining a preferred path for resolution of conflicts, for identifying indicators

of weakness in conflict handling procedures, to the existing organizational conflict handling procedures; and creating recommendations for new organizational conflict handling procedures that adhere to the preferred path. As set forth throughout the specification, Applicant's expert system for analysis requires the analysis of organizational weaknesses and then recommends corrective action (system changes) through rewiring organizational procedures, such as selecting key staff and training employees, thereby producing the outcomes that benefit the entire organization. (See for example, page 2, lines 16-22 and page 3, lines 1-6.) As set forth in the application, Applicant's system has achieved reductions in outside litigation expense up to 80% annually. (See page 13, line 7). None of these elements are taught or suggested by Elangovan and Applicant respectfully submits that Elangovan does not teach, or suggest, Applicant's invention as now claimed and requests that the rejection of claims 1-5 and 9 be withdrawn and the claims allowed.

CLAIMS 6-8 AND 10 ARE NOT ANTICIPATED BY THE CITED ART

The Examiner has rejected dependent claims 6-8 and Independent claim 10 as anticipated by Applicant's own publication, Slaikeu (IDS 6/7/2001 Ref. 1R; Published 10/1998). Enclosed herewith is a signed Affidavit under 37 CFR 1.131 stating that Applicant filed the original application from which this application continues on February 25, 1998, that Applicant is the author of the cited reference and that Applicant's publication was not published until October of 1998.

Applicant therefore respectfully requests that the Slaikeu (IDS 6/7/2001 Ref. 1R; Published 10/1998) reference be withdrawn and claims 6-8 and 10 be allowed.

CLAIMS 11-19 ARE NOT OBVIOUS IN VIEW OF THE CITED ART

The Examiner rejected Claims 11-15 and 19 under 35 U.S.C. §103(a) as obvious over Elangovan (IDS 2/15/2001 Ref. 3R; Published 10/1995) in view of Surratt (IDS 6/7/2001 Ref. 3S; Published 1998). Applicant respectfully traverses these rejections on the ground that Elangovan whether alone or in combination with Surratt does not describe or suggest Applicant's invention as now claimed and, further, there is no suggestion in any of the references to modify the Elangovan system in the manner now claimed.

Further, Claims 16-18 were rejected under 35 U.S.C. §103(a) as obvious over Slaikeu (IDS 6/7/2001 Ref. 1R; Published 10/1998) in view of Surratt (IDS 6/7/2001 Ref. 3S; Published 1998). Applicant respectfully submits that in view of his Affidavit, Slaikeu is not a proper reference and Surratt admittedly does not alone suggest Applicant's invention as now claimed. Applicant respectfully requests, therefore that the rejection of claims 16-18 be withdrawn and the claims allowed as amended herein.

THE SURRETT REFERENCE

The Surratt reference discloses a mediator and the use of a computer decision tree to assist parties with mediation. Having read the entire article, it is clear that Surratt discloses and suggests only specific cases, with the parties identified, the particular parameters of their dispute identified, values identified, and so forth for each particular situation. Nothing in Surratt suggests a system for handling internal conflicts generically. Referring to Figure 1 of the application, Surratt's mediation is mentioned as one bullet in Box 3. In Figure 2 Surratt's mediation is indicated in the box labeled 60. Thus, Applicant's invention is much broader than either Elangovan, as discussed above, or Surratt, either alone or together. Again, as set forth in the application and as illustrated in Figure 3, the variables for implementing Applicant's

system through the four boxes listed in Figure 3 under numeral 74 all apply to every human in the organization , not just the managers and not just the mediators.

Further, Applicant's expert system for analysis requires, as set forth in the claims, the analysis of organizational weaknesses and then recommends corrective action (system changes) through rewiring organizational procedures, such as selecting key staff and training employees, thereby producing the outcomes that benefit the entire organization. (See for example, page 2, lines 16-22 and page 3, lines 1-6.) As set forth in the application, Applicant's system has achieved reductions in outside litigation expense up to 80% annually. (See page 13, line 7). Applicant respectfully submits that, as with Elangovan, Surratt does not teach, or suggest, Applicant's invention as now claimed, either alone or in combination, and requests that the rejection of claims 11-15 and 19 be withdrawn and the claims allowed.

Further, it is fair to point out that in order to combine prior art references or modify a prior art reference under 37 U.S.C. 103, there must be some teaching or suggestion in the prior art to make the combination or modification. In this case, the Examiner does not point to any teaching or suggestion in the prior art to modify the admittedly deficient references other than to state that it would have been obvious to one of ordinary skill in the art at the time of the invention to have done so. Applicant respectfully disagrees.

Elangovan and Slaikeu are already functioning systems. If the proposed modification of the prior art would change the principle of operation of the prior art system, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F. 2nd 810, 123 U.S.P.Q. 349 (CCPA 1959) (see MPEP § 2143.01 at page 2100-99, second column). It is clear that adding Surratt to Elangovan and/or Slaikeu would change the

principle by which they operate. Thus, in accordance with *In re Ratti*, it could not have been obvious to make the Examiner's proposed modifications.

The Applicant therefore respectfully submits that Claims 11-19, are not anticipated by, nor obvious over, Elangovan either alone or in combination with Surratt and/or Slaikeu and Surratt and are entitled to allowance.

CONCLUSION

In light of the above, Applicant respectfully requests reconsideration and allowance of Claims 1-19. If the Examiner should feel that any issue remains as to the allowability of these claims, or that a conference might expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney.

Applicant intends this to be a complete response. Other than the fee for the one month extension of time to respond, no additional fee is believed due; however if a fee is due, please charge deposit account number indicated on the transmittal letter.

Respectfully submitted,

J. Nevin Shaffer, Jr. P.A.

Date: 9 JUL 04

By: 

J. Nevin Shaffer, Jr., Reg. No. 29,858

913 Gulf Breeze Parkway, Suite 43

Gulf Breeze, Florida 32561

850-934-4124

ATTORNEYS FOR APPLICANT

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: 9 JUL 04

Reg. No. 29,858, J. Nevin Shaffer, Jr. 